

passed by the House of Representatives of Texas, requiring the judges of the appellate courts of Texas to hold same in session 11 months in the year, and trust that when the same reaches the Senate you may find it consistent with your good judgment to oppose it and use your influence to defeat it.

Numerously signed.

### THIRTY-THIRD DAY.

Senate Chamber,  
Austin, Texas;

Thursday, February 25, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	Willacy.
Peeler.	

Absent.

Hume.	Murray.
Mayfield.	Paulus.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Veale, the same was dispensed with.

### EXCUSED.

On account of important business:

Senator Weinert for yesterday, on motion of Senator Cofer.

On account of sickness:

Senator Hume for today and tomorrow, on motion of Senator Peeler.

### BILLS AND RESOLUTIONS.

By Senator Masterson (by request):

Senate bill No. 272, A bill to be entitled "An Act for the relief of Kate Chambers Sturgis and Stella J. McGregor, only

children of Thomas J. Chambers, deceased."

Read first time, and referred to Committee on State Affairs.

By Senator Ward:

Senate bill No. 273, A bill to be entitled "An Act creating an independent school district for free school purposes only, in the county of Johnson, to be known as the Grandview Independent School District, and to have all the rights, powers and duties of independent school districts, formed by the incorporation of towns and villages for free school purposes only, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Kellie:

Senate bill No. 274, A bill to be entitled "An Act providing for a special road law for the county of Jasper, creating the office of superintendent of public roads and bridges; defining his powers and duties; defining the powers and duties of road overseers; defining what persons are subject to work upon the public roads; providing proper penalties for violation of this act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Hayter: -

Senate bill No. 275, A bill to be entitled "An Act to define and punish the giving of false and contradictory evidence before a grand jury from that sworn to, and the evidence given in the trial courts of the State, and prescribing a punishment therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Veale:

Senate bill No. 276, A bill to be entitled "An Act to amend Sections 1 and 2 of an act entitled 'An Act to reorganize the Forty-seventh Judicial District and to create the Sixty-ninth Judicial District, to fix the time for holding the terms of the district court in said district, and to provide for the appointment of a district judge and district attorney in the said Sixty-ninth Judicial District, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator Real:

Senate bill No. 277, A bill to be entitled "An Act to amend Senate bill No. 35, an act of the Thirty-first Legislature,"

and approved by the Governor on the 20th day of February, A. D. 1909, to read as follows: To exempt the counties of Val Verde, Medina, Terrell, Jeff Davis, Jackson, Hidalgo, Bandera, Van Zandt, Mitchell, Ward, Rains, Erath, Crosby, Kaufman and Bexar from the provisions and operations of Articles 5002 to 5042, inclusive, of Chapter 6, Title 102 of the Revised Civil Statutes of 1895, amended by the Acts of the Twenty-eighth and Twenty-ninth Legislatures, relating to the inspection of hides and animals, and repealing all laws in conflict therewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell of McLennan:

Senate bill No. 278, A bill to be entitled "An Act to amend Sections 1 and 13 of Chapter 139 of the Acts of the Thirtieth Legislature, on page 269 of the Acts thereof, approved April 18, 1907, relating to the manner of selecting jurors in all counties in Texas having a city or cities therein which contain a population aggregating 20,000 or more people, and to declare an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

#### TELEGRAM FROM BUSINESS LEAGUE OF DALLAS.

The Chair had the following read to the Senate:

Dallas, Texas, February 24, 1909.

Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas:

I have the honor to advise you that the following resolution was unanimously adopted by the Board of Commissioners of the city of Dallas at today's meeting. I will appreciate it if you will have the resolution read to the honorable body over which you preside:

"Whereas, The Board of Commissioners has learned with pleasure that the members and employes of the Senate and House of Representatives of the State of Texas have accepted an invitation extended by citizens of Dallas to visit our city on the 26th instant; now, therefore, be it

"Resolved, That we, as the representatives of the entire citizenship of Dallas, hereby extend a hearty welcome to all, regardless of their attitude on any ques-

tion that has been or may be pending before their honorable bodies.

"Resolved further, That we urge upon our Chief Executive the acceptance of the invitation extended to him with the assurance that our entire citizenship are united in their desire to have him visit our city without reference to what his attitude may be on any question now pending in the Legislature of Texas."

S. J. HAY, Mayor.

#### EXECUTIVE MESSAGE.

Executive Office,  
State of Texas.

Austin, Texas, February 24, 1909.

To the Senate:

The advice and consent of the Senate is requested to the appointment of Frank S. Roberts of Caldwell county, Texas to the office of district attorney for the Twenty-second Judicial District of Texas, vice J. L. Storey, resigned.

T. M. CAMPBELL,  
Governor.

#### EXECUTIVE SESSION—TIME SET FOR.

Senator Weinert moved that the Senate go into executive session tomorrow at 12:30 o'clock p. m. for the purpose of considering the above appointment by the Governor.

The motion prevailed.

#### ADDITION TO STANDING COMMITTEE.

Here Senator Hudspeth moved that the Chair add Senator Real to Judiciary Committee No. 2, and

Senator Brachfield amended the motion by adding Senator Cofer to that committee also.

The motion, as amended, prevailed, and the Chair announced that Senators Real and Cofer were made additional members of Judiciary Committee No. 2.

#### BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see House message for caption of):

House bill No. 16, referred to Committee on Judiciary No. 2.

## SIMPLE RESOLUTION.

Senator Cofer offered the following resolution:

Whereas, Dr. Charles W. Eliot, president of the Harvard University, is now in the capital; therefore, be it

Resolved, That the Senate extend to Dr. Eliot an invitation to address the Senate at 3 o'clock p. m. today, February 25, 1909.

COFER,  
PEELER,  
WILLACY,  
ALEXANDER.

The resolution was read and adopted.

## SENATE BILL NO. 137.

The Chair laid before the Senate, on second reading and special order,

Senate bill No. 137, A bill to be entitled "An Act to amend Title 12, Chapter 2, Revised Civil Statutes of the State of Texas, by adding to Article 278, Article 278a, prescribing mode of appointing assistant district attorneys in districts of 60,000 population and over, where there is no criminal district court established, and qualification therefor, and duties thereof, and affixing salary, and declaring an emergency."

The question on the bill was the pending amendment by Senator Brachfield (see Journal of Friday, February 19, for amendment).

The amendment was adopted.

Senator Masterson offered the following amendment, which was read and adopted:

Amend the bill by striking out the words in Section 1, "When there is no criminal district court established."

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the bill by striking out all after the words "district attorney" the last time it appears in Article 278a, and add in lieu thereof the following: "And said appointment shall be for such period as the Governor shall deem best for the enforcement of the law, not to be less than one month."

Bill read second time, and ordered engrossed.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Kellie.

Senter.

Absent—Excused.

Hume.

The bill was read third time, and Senator Willacy offered the following amendment:

Amend by adding after the word "paid," in line 2, Section 2, the following: "For the time of actual service rendered at the rate of."

The amendment was read, and adopted by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Senter.

Absent—Excused.

Hume.

Senator Brachfield offered the following amendment:

Amend the caption by striking out the word "of" and the figures "60,000" in the caption, and add in lieu thereof the following: "Having a city of 25,000," and by striking out the words "when there is no criminal district court established."

BRACHFIELD,  
MASTERTON.

The amendment was read, and adopted by the following vote:

Yeas—30.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Murray. Senter.

Absent—Excused.

Hume.

Senator Real moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 109.

Senator Perkins moved that the pending order of business (Senate bill No. 156) be suspended, and the Senate take up, out of its order, Senate bill No. 176.

Senator Holsey moved, as a substitute, that the pending order of business (Senate bill No. 156) be suspended, and the Senate take up, out of its order, Senate bill No. 123.

Here Senator Peeler raised the question as today, Thursday, being House bill day, according to the rules.

The Chair stated that he would give House bills precedence over Senate bills, whereupon

Senator Peeler called up House bill No. 109.

The Chair then laid before the Senate, on second reading,

House bill No. 109, A bill to be entitled "An Act to create a Bureau of Labor Statistics, and to provide for the appointment of a Commissioner of said Bureau, and to fix the duties of the said Commissioner, and to provide for the organization and maintenance of the said Bureau, and for the collection, preservation and dissemination of labor statistics in Texas."

(President Pro Tem. Terrell in the chair.)

Bill read second time, and passed to third reading.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Murray. Paulus.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Kellie.
Bryan.	Masterson.
Cofer.	Mayfield.
Harper.	Meachum.
Hayter.	Murray.

Peeler.	Terrell of McLennan.
Perkins.	Veale.
Real.	Ward.
Senter.	Watson.
Stokes.	Weinert.
Sturgeon.	Willacy.
Terrell of Bowie.	

Nays—2.

Greer. Thomas.

Absent.

Paulus.

Absent—Excused.

Hume.

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 51.

Senator Watson called up House bill No. 51.

The Chair laid before the Senate, on second reading,

House bill No. 51, A bill to be entitled "An Act requiring railways and railroad corporations, or lessees thereof, operating within the State of Texas, and having their repair shops in the State, to repair, renovate and rebuild and overhaul all defective or broken cars, coaches, locomotives or other equipment in the State of Texas, and prohibiting any railway or railroad corporation from sending or moving any defective cars out of the State to be repaired, renovated or rebuilt, and fixing a penalty for the violation of the provisions of this act."

The committee report, with amendments, was adopted.

The bill was read second time, and Senator Ward offered the following amendment:

Amend House bill No. 51 by striking out the enacting clause, in line 23, page 1. The amendment was laid on the table, pending consideration of amendments to perfect the bill.

Senator Watson offered the following amendment, to perfect the bill, which was read and adopted:

Amend the bill by striking out of the committee report, line 22, the following:

"And provided further, that if a railroad company shall have such work in this State by any other railroad company in this State, it shall be deemed a compliance with the provisions of this act."

Senator Ward offered the following amendment, to perfect the bill:

Amend Section 1 of the bill by adding after the word "equipment," in line 10, page 2, "provided this act shall not apply to any railroad company having their repair shops, round houses, or machine shops within one hundred and fifty miles from any State or Territory line, between any State or Territory line and this State."

On motion of Senator Brachfield, the amendment was tabled.

Senator Ward offered the following amendment:

Amend Section 2 of the bill by adding after the word "State," in line 16, page 2, "provided this act shall not apply to any railroad company having their repair shops, round houses or machine shops within one hundred and fifty miles from any State or Territory line, between any State or Territory line and this State."

(Lieutenant Governor Davidson in the chair.)

Senator Brachfield moved the previous question on the pending amendments, and the bill, which motion being duly seconded, the previous question was so ordered.

The amendment by Senator Ward was read, and lost.

Action then recurred on the amendment by Senator Ward, which provided for striking out the enacting clause.

The amendment was lost, by the following vote:

Yeas—4.

Adams.	Sturgeon.
Kellie.	Ward.

Nays—26.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Masterson.	Veale.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent—Excused.

Hume.

Bill read second time, and passed to third reading.

## HOUSE BILL NO. 258.

Senator Greer here called up House bill No. 258, which was on the table, subject to call.

The Chair laid before the Senate, on second reading,

House bill No. 258, A bill to be entitled "An Act to amend Section 53 of Chapter 51 of the General Laws of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto, to provide for the appointment of road overseers, to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto, to utilize the labor of defaulting poll taxpayers on the public roads of said counties, and to provide adequate penalties for the violation of the provisions of this act,' approved April 19, 1893, as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Section 1, Section 2, Section 33, Section 53 and Section 54 of the Acts of the Twenty-third Legislature, entitled "An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta and Rusk, and auxiliary thereto,"' etc., by reducing the number of days persons may be compelled to work on the public roads in Upshur county from ten days to five days in each year, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and Senator Brachfield offered the following amendment:

Amend the bill by adding at the end of Section 1 the following: "Provided, that this bill shall affect no counties that are operating under any special road law granted by the Legislature since 1893."

The amendment was read, and adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage, by the following vote:

Yeas—29.

Adams.

Alexander.

Brachfield.  
Bryan.  
Cofer.  
Greer.  
Harper.  
Hayter.  
Holsey.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.  
Meachum.  
Murray.  
Paulus.

Peeler.  
Perkins.  
Real.  
Senter.  
Stokes.  
Sturgeon.  
Terrell of Bowie.  
Terrell of McLennan.  
Thomas.  
Veale.  
Ward.  
Weinert.  
Willacy.

Absent.

Watson.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.  
Alexander.  
Brachfield.  
Bryan.  
Cofer.  
Greer.  
Harper.  
Hayter.  
Holsey.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.  
Meachum.

Murray.  
Paulus.  
Peeler.  
Perkins.  
Real.  
Senter.  
Stokes.  
Sturgeon.  
Terrell of Bowie.  
Terrell of McLennan.  
Thomas.  
Veale.  
Weinert.  
Willacy.

Absent.

Ward.

Watson.

Absent—Excused.

Hume.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 310, A bill to be entitled "An Act to amend Sections 7 and 13 of the special road laws of Bell county, Chapter 63, Acts of the Legislature of 1899, as amended in Chapter 52, Acts

of the Legislature of 1907, Special Laws, so as to regulate the pay of county commissioners when acting as road commissioners, and to regulate the time when payment may be made by persons liable to road duty of \$3.00 so as to excuse such persons from road duty, and declaring an emergency," with engrossed rider.

House bill No. 319, A bill to be entitled "An Act to create a more efficient road system for Titus county, Texas, providing that the commissioners court may levy and collect a special road tax, and for the working on the public roads of said county of those subject and failing to pay said tax, requiring the commissioners court of said county to appoint a county superintendent, defining his duties and providing for his compensation; providing for the working of county convicts upon the public roads, and for the commutation of sentence for faithful service; providing for the care and maintenance of such convicts, and providing for officers' fees, authorizing the employment of twelve assistants to the county superintendent, providing for their compensation and duties; authorizing the superintendent to hire wagons, tools and teams, and providing compensation therefor; providing that delinquent poll taxpayers shall be subject to three days' road duty in addition to any other road service to which they may be subject; providing that they may be relieved of such road duty upon the payment of \$3.00 to the road superintendent; requiring the superintendent to make quarterly reports; requiring penalties for failure to make such reports; declaring what are public roads, and providing the classification thereof; providing for the building of public bridges by contract, and declaring an emergency," with engrossed rider.

House bill No. 412, A bill to be entitled "An Act to amend Section 6 of an act passed by the Twenty-seventh Legislature, as amended by the Twenty-eighth Legislature, as amended by the Thirtieth Legislature, creating a special road system for Coryell county, and declaring an emergency."

House bill No. 231, A bill to be entitled "An Act creating an independent school district to be known as the Mesquite Independent School District, and to provide for the creation of a board of trustees therefor; authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and

authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board, and declaring an emergency."

House bill No. 411, A bill to be entitled "An Act to amend Section 11, Chapter 76 of the special road law for Erath county of the Acts of the Twenty-seventh Legislature, fixing the compensation of road commissioners, and declaring an emergency."

House bill No. 414, A bill to be entitled "An Act to amend Sections 1, 2, 3 and 4, Chapter 55 of an act passed by the Twenty-eighth Legislature at its Regular Session in 1903, and entitled 'An Act to create a special road law for Delta county; providing for levying and collecting a road tax; and authorizing the commissioners court of said county to employ road superintendents and laborers on the public roads thereof; also to work convicts in opening, laying out and repairing said roads; giving the commissioners court the power to establish, change, improve, or discontinue public roads, and to purchase and use all necessary teams and implements for that purpose, and giving to said court the power to condemn land for establishing, widening, draining and otherwise improving the public roads, and to cause obstructions to be removed therefrom; making each commissioner of said county a road superintendent in his precinct and prescribing his duties; fixing the compensation for county commissioners for road service, and providing for the general supervision by the commissioners court of all public roads in said county."

House bill No. 370, A bill to be entitled "An Act to amend Chapter 72, page 172, Acts of the Twenty-seventh Legislature, being an act entitled 'An Act to create a more efficient road system for Karnes county, Texas, and making the county commissioners of said county ex-officio road commissioners; and prescribing their duties as such and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county; providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped convict and taxing said reward and all actual expenses of

capture and delivery of said convict against said convict; and providing for a penalty for the escape of a county convict; and providing for the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; and providing for the character of work that road commissioners may require of overseers and hands; and providing further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Karnes county, Texas, so as to provide that each county commissioner when acting as road commissioner and performing the duties imposed upon him by the commissioners court shall receive \$3.00 a day for services actually performed; provided, said sum to be paid him shall not exceed \$25 a quarter," with engrossed rider.

House bill No. 386, A bill to be entitled "An Act incorporating the Longview Independent School District in Gregg county, Texas, for free school purposes only; defining its boundaries and providing for a board of trustees; divesting the city of Longview of the control of its public schools and title to school property and vesting the same in said Longview Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Longview Independent School District and its board of trustees, and declaring an emergency."

House bill No. 432, A bill to be entitled "An Act creating an independent school district in the county of Ellis, State of Texas, to be known as the Ferris Independent School District, and to have all the powers, rights and duties of independent school districts, formed by the incorporation of towns and villages for free school purposes only."

House bill No. 353, A bill to be entitled "An Act to diminish the civil jurisdiction of the county court of Harrison county, Texas, to conform to the jurisdiction of the district court thereof, and to repeal all laws in conflict herewith."

House bill No. 290, A bill to be entitled "An Act to amend Section 2, Chapter 63 of the General Laws of the State of Texas, passed by the Thirtieth Legislature, relating to the sale or offer of sale or to the shipment for sale, in the county of Montgomery, of any squirrels, and providing a penalty, and declaring an emergency."

Senate bill No. 169, A bill to be entitled "An Act to name the several counties

composing the Thirty-third and the Fifty-first Judicial Districts of the State of Texas, and to fix the time for holding the district courts therein and to repeal an act entitled 'An Act to name the several counties composing the Fifty-first Judicial District and to fix the time for holding the district courts therein, and to repeal all laws and parts of laws in conflict herewith,' Chapter 72, General Laws of the State of Texas, page 98, passed by the Twenty-eighth Legislature, and to repeal Section 2 of an act entitled 'An Act to amend an act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts of the State of Texas, and to fix the time for holding court therein,' as passed by the Twenty-seventh Legislature, Chapter 64, page 133, and to repeal all laws and parts of laws in conflict therewith, passed by the Twenty-ninth Legislature, Chapter 37, page 47, in so far as the latter act conflicts with the provisions of this act relating to the organization of the Thirty-third Judicial District of the State of Texas."

House bill No. 15, A bill to be entitled "An Act to confer upon the county court of San Augustine county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 360, A bill to be entitled "An Act to amend an act of the Thirtieth Legislature, entitled 'An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said district, and validating process, and providing an emergency,' approved April 15, 1907, so as to change terms and times of holding courts in Camp, Upshur and Smith counties, and validating processes, etc., and repealing all laws and parts of laws in conflict with this act."

House bill No. 470, A bill to be entitled "An Act incorporating and creating the Seagoville Independent School District of Dallas county, Texas, for free school purposes only; defining its boundaries, and providing for the election of a board of trustees; for the raising of revenue by taxation; issuing of bonds for raising money for building pur-

poses, and for maintaining public free schools therein; vesting the property of Seagoville school district in said Seagoville Independent School District, and vesting said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon independent school districts and the board of trustees thereof formed by the incorporation of a town or village for free school purposes only under general law, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am instructed by the House of Representatives to invite the Senate to a joint session with the House this afternoon at 4:40, the occasion being the address of Dr. Eliot.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### INVITATION OF HOUSE ACCEPTED.

In accordance with the above invitation from the House of Representatives to attend a joint session of that body on account of the address of Dr. Eliot, Senator Cofer moved that the invitation be accepted, and that a reception committee of three Senators be appointed to act with a like committee of the House.

The motion prevailed, and

The Chair (Lieutenant Governor Davidson) appointed Senators Cofer, Stokes and Meachum as the reception committee on part of the Senate.

### SIMPLE RESOLUTION.

Senator Paulus offered the following resolution:

Whereas, Hon. Chas. A. Allen of Colorado county, a most worthy member of the House of the Thirty-first Legislature, departed this life at his home yesterday, therefore, be it

Resolved, That the President of the Senate express to the widow of our deceased friend and colleague the heartfelt sympathy of the membership of the

Senate in this, her saddest hour, and that when the Senate adjourns today it does so in honor of his memory.

PAULUS,  
MURRAY.

On motion of Senator Paulus, the resolution was adopted by a rising vote, the vote being unanimous.

### HOUSE BILL NO. 10.

Senator Weinert called up House bill No. 10.

The Chair laid before the Senate, on second reading,

House bill No. 10. A bill to be entitled "An Act to amend Chapter 10, Title 17, Penal Code, 1895, by adding Article 880a, creating the offense of an attempt to commit a theft from the person, and providing a punishment therefor, and declaring an emergency."

Pending.

(Senator Kellie in the chair.)

### HOUSE BILL NO. 246.

On motion of Senator Willacy, the pending business (House bill No. 10) was suspended, and the Senate took up out of its order, House bill No. 246, by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hindspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Adams.	Terrell of McLennan.
Masterson.	Thomas.
Stokes.	

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

House bill No. 246. A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1906; August 31, 1907;

August 31, 1908, and August 31, 1909, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and to make additional appropriations for the support of the State government for the years ending August 31, 1906; August 31, 1907; August 31, 1908; August 31, 1909, and declaring an emergency."

(Lieutenant Governor Davidson in the chair.)

The committee report, with amendments, was adopted, on motion of Senator Willacy.

The bill was read, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by adding under the head "Public Health and Vital Statistics," page 6, printed bill, the following: "To purchase furniture for the residence erected for the quarantine officers and employes at Galveston, \$600."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by adding at the end of Section 1, page 6, the following: "To pay salary of boatmen at Pass Cavallo at rate of \$600 each year; amount unpaid for services rendered and to be rendered during the fiscal years ending August 31, 1908, and August 31, 1909, \$1000."

Bill read second time, and passed to third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Stokes.
Kellie.	Terrell of McLennan
Masterson.	Thomas.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—25.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Adams.	Terrell of
Masterson.	McLennan.
Stokes.	Thomas.

Absent—Excused.

Hume.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 276.

On motion of Senator Veale, the pending order of business (House bill No. 10) was suspended, and the Senate took up, out of its order, Senate bill No. 276, by the following vote.

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Adams.	Stokes.
Masterson.	Terrell of McLennan.
Murray.	Thomas.

Absent—Excused.

Hume.

On motion of Senator Veale, the constitutional rule requiring bills to be read on three several days was suspended,

and Senate bill No. 276 was put on its second reading by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Adams.	Stokes.
Masterson.	Terrell of McLennan.
Murray.	Thomas.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 276 (see Bills and Resolutions for caption of).

On motion of Senator Veale, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Adams.	Stokes.
Masterson.	Terrell of McLennan.
Murray.	Thomas.

Absent—Excused.

Hume.

On motion of Senator Veale, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Veale, the con-

stitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Adams.	Stokes.
Masterson.	Terrell of McLennan.
Murray.	Thomas.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Adams.	Stokes.
Masterson.	Terrell of
Murray.	McLennan.
Real.	Thomas.

Absent—Excused.

Hume.

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Cofer, the Senate recessed until 4 o'clock today.

## AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

## SIMPLE RESOLUTION.

Senator Weinert offered the following resolution, which was read and adopted:

Resolved, That whereas the Hon. J. E. Grinstead of Kerr county was invited to address the House of Representatives at 8 o'clock this evening, and

Whereas, The said Hon. J. E. Grinstead is unwell and hoarse, therefore, be it

Resolved, That on account of better acoustics the Senate Chamber be offered to the House of Representatives for this purpose.

## EXECUTIVE MESSAGE.

Executive Office,  
State of Texas.

Austin, Texas, February 25, 1909.  
To the Senate:

The advice and consent of the Senate is requested to the following appointments:

For Board of Pilot Commissioners for the ports of Sabine Pass and Port Arthur: F. H. Robinson, C. H. Burch, W. H. Gilliland, R. D. Steele, J. H. Forbes.

For Board of Pilot Commissioners for the port of Galveston: John Young, Robert B. Strickland, M. O. Nobbe, J. M. O. Menard, J. H. Frick.

T. M. CAMPBELL,  
Governor.

EXECUTIVE SESSION—TIME SET  
FOR.

Senator Masterson moved that the Senate go into executive session tomorrow at 12:30 o'clock, for the purpose of considering the above appointments.

The motion prevailed.

HOUSE BILL NO. 5—MADE SPECIAL  
ORDER.

On motion of Senator Bryan, the pending order of business (House bill No. 10) was suspended, and the Senate took up, out of its order, House bill No. 5, by the following vote:

Yeas—20.

Adams. Bryan.  
Alexander. Cofer.

Hayter.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.  
Meachum.  
Perkins.  
Real.

Senter.  
Stokes.  
Terrell of Bowie.  
Terrell of McLennan.  
Veale.  
Ward.  
Watson.  
Weinert.

Nays—1.

Murray.

Absent.

Brachfield.  
Greer.  
Harper.  
Holsey.  
Paulus.

Peeler.  
Sturgeon.  
Thomas.  
Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

House bill No. 5, A bill to be entitled "An Act to establish the West Texas State Normal College, and providing that the State Board of Education shall control same, and making an appropriation therefor."

Senator Bryan moved that the bill be made special order after the consideration of House bill No. 10.

The motion prevailed.

## HOUSE BILL NO. 10.

Action recurred on House bill No. 10 (see former proceedings of today for caption of).

Senator Weinert offered the following amendment to the bill, which was read and adopted:

Amend the bill by adding after the enacting clause the following:

"Section 1. That Chapter 10, Title 17, Penal Code, 1895, be amended by adding an additional article thereto, to be known as Article 880a, reading as follows:"

Amend further by adding at beginning of line 22, the words "Section 2."

Bill read second time, and passed to third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Adams.  
Alexander.  
Bryan.

Cofer.  
Harper.  
Hayter.

Hudspeth.	Real.
Kellie.	Senter.
Masterson.	Stokes.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.
Murray.	Ward.
Perkins.	Weinert.

Nays—1.

Terrell of Bowie.

Absent.

Brachfield.	Sturgeon.
Greer.	Thomas.
Holsey.	Watson.
Paulus.	Willacy.
Peeler.	

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—19.

Adams.	Perkins.
Alexander.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—3.

Bryan.	Terrell of Bowie.
Murray.	

Absent.

Brachfield.	Peeler.
Greer.	Sturgeon.
Holsey.	Thomas.
Paulus.	Willacy.

Absent—Excused.

Hume.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 218—MADE SPECIAL ORDER.

On motion of Senator Senter, the special order of business (House bill No. 5) was suspended, and the Senate took up, out of its order, Senate bill No. 218, by the following vote:

Yeas—21.

Adams.	Bryan.
Alexander.	Cofer.

Harper.	Real.
Hayter.	Senter.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Perkins.	

Absent.

Brachfield.	Stokes.
Greer.	Sturgeon.
Holsey.	Thomas.
Paulus.	Willacy.
Peeler.	

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 218, A bill to be entitled "An Act to better define and punish vagrancy, prescribing the rules of procedure in the prosecution of vagrants, and fixing a punishment for vagrancy, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Senter moved that the bill be made a special order for next Monday, after the morning call.

The motion prevailed.

#### HOUSE BILL NO. 5.

The Chair laid before the Senate, on second reading,

House bill No. 5, A bill to be entitled "An Act to establish the West Texas State Normal College, and providing that the State Board of Education shall control the same, and making an appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Question being on the passage of the bill to third reading, and

Senator Meachum moved that the further consideration of the bill be postponed until next Wednesday after the morning call, and that the bill be printed in the Journal.

Senator Bryan moved to table the motion to postpone, which motion to table was lost.

The motion by Senator Meachum was adopted.

Following is the bill in full:

H. B. No. 5.

By Barrett.

## A BILL

To be entitled

An Act to establish the West Texas State Normal College, and providing that the State Board of Education shall control the same, and making an appropriation therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a State normal school for the education of white teachers is hereby established at a place in Texas and located west of the ninety-eighth meridian. The name of said normal school shall be the West Texas State Normal College.

Sec. 2. Immediately after the passage of this act the Governor, the Superintendent of Public Instruction, the general agent of the Conference for Education of Texas, respectively, shall be and are hereby appointed a committee to locate said normal college, provided that it shall be lawful for the Governor to appoint some one to represent him on said committee in case he is unable to act as a member of same.

Sec. 3. Vacancies—In case of vacancy in said Committee on Location, the Governor shall appoint some one to fill it.

Location—In considering the claims of each place that may ask for said school, the committee shall consider the healthfulness, accessibility and the general intelligence and social conditions of its people. The committee shall also consider the bonus or donations offered, whether in houses, money, land or other valuable considerations which the respective places bidding for the location of said normal college may offer, and shall take into account all facts and circumstances of each place that may bid, and shall locate said normal college where they will most efficiently serve the State; provided, that the committee shall not sacrifice the permanent advantage of any location to the donations offered by any other place.

Sec. 4. It shall be the duty of the Attorney General of the State of Texas to examine and approve the abstract of the title to any and all real estate that may be donated by the people of the town or city that may be selected as the location of said normal college before the location shall be finally made. Any cash that may be offered and accepted as a bonus to secure the location of said college shall be used in the construction of suitable buildings here-

in provided, in lieu of an equal amount that may have been appropriated by the Thirty-first Legislature with which to construct and equip the necessary building or buildings; provided, that the town or city or people securing the location of said college shall furnish sufficient lands upon which to locate it, without cost to the State of Texas; provided, the grounds upon which said college shall be erected shall not be less than five acres.

Sec. 5. The said Committee on Location may employ a clerk at a salary not to exceed one hundred dollars (\$100) per month for traveling and office expenses, and shall make a full report to the State Board of Education of all their deliberations, setting forth the donations and inducements offered by such town or city that bid for the location and their decision locating said West Texas State Normal College.

Sec. 6. Immediately after receiving the report of said Committee on Location, the State Board of Education shall name a local board of three citizens resident in the city or county in which said West Texas State Normal College is located who shall perform such service as the State Board of Education may prescribe.

Sec. 7. The State Board of Education shall immediately after receiving the reports of said location committee, proceed at once to secure plans and specifications for the building or buildings of said West Texas State Normal College, and to let the contract to the lowest responsible bidder for the erection of said building or buildings. Provided, that the said building or buildings shall be ready for use by September 1, 1910; provided, further, that it shall be lawful for the State Board of Education to accept any desirable building or buildings offered by the people of any city or town securing the location of said West Texas State Normal College, upon the recommendation of the Committee on Location.

Sec. 8. The State Board of Education shall name the departments to be established in said West Texas State Normal College, and shall elect the president, professors and instructors and other employees necessary for the organization and management of the same, and shall fix the salaries and compensation of those employed; provided, that the said West Texas State Normal College shall be strictly first class in every particular and not below the stan-

dards set for the other normal schools of this State; provided further, that the State Board of Education shall have authority to regulate the fees required of students and the salaries allowed all persons in any manner employed in connection with the normal school established by this act.

Sec. 9. The State Board of Education shall name the fees, if any, to be paid by the students, and shall fix the requirements for entrance into said normal college, and shall prescribe the conditions of certification and graduation of students of said normal college; provided, that the requirements to obtain certificates, the length of time they shall be valid and the conditions of cancellation of same shall be those prescribed for other certificates of the same grades issued by the State.

Sec. 10. It shall be the duty of the State Board of Education to elect a president of said normal school at any time after the location of said normal college shall have been made; provided, that he shall be elected at least six months before the date fixed for the opening of said normal college; and he shall draw his salary from the date of his acceptance of said election.

Sec. 11. The said West Texas State Normal College shall be opened for the reception of students not later than the first day of October, 1910. The sum of \$1500, or so much thereof as may be needed, is hereby appropriated out of any fund in the treasury not otherwise appropriated to pay the traveling expenses of the committee and for doing any other work necessary in locating said West Texas State Normal College, and making the report required. All accounts against this fund shall be paid upon warrants issued by the Comptroller upon the approval of the Governor.

Sec. 12. The sum of fifty thousand dollars (\$50,000) is hereby appropriated out of any funds in the State Treasury not otherwise appropriated to purchase and equip a building or buildings establishing said West Texas State Normal College to be paid upon warrants issued by the Comptroller after the accounts shall have been audited and approved by the State Board of Education. The sum of twenty-seven thousand five hundred dollars (\$27,500) to be paid out of any funds not otherwise appropriated, is hereby appropriated to pay the salary of the president of said West Texas State Normal College for service that may be rendered during the year end-

ing August 31, 1910, and to pay the salary of the president, professors and other employes of said West Texas State Normal College for the year beginning September 1, 1910.

Sec. 13. Students shall be appointed to said West Texas State Normal College by the same authorities and in the same way that students are appointed to other normal schools in this State; and such students shall share equally with students appointed to other normal schools, in any scholarship funds that may be appropriated to the normal schools of this State, for the year 1910-11, and any subsequent year or years.

Sec. 14. On or about the first day of June, 1910, The State Board of Education shall, after consultation with the president of said West Texas State Normal College, meet and decide what departments shall be established in said normal college. They shall elect professors, instructors and other employes and fix the compensation of the same. They shall fix the day of opening of said normal school not later than October 1, 1910, and shall make all necessary arrangements for opening and managing said West Texas State Normal College; provided, that said board shall not create a deficiency debt against the State in establishing, equipping and running said school for the first year of its existence.

Sec. 15. The fact that the number of normal schools is inadequate to accommodate the vast number of young men and young women who are preparing for the profession of teaching, and that the establishment of more normal schools is a necessity and creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that the same is suspended, and that this act take effect from and after its passage, and it is so enacted.

#### SENATE BILL NO. 200.

On motion of Senator Murray, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 200, by the following vote:

Yeas—21.

Adams.  
Alexander.  
Bryan.  
Cofer.  
Harper.

Hayter.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.

Meachum.  
Murray.  
Perkins.  
Real.  
Senter.  
Stokes.

Terrell of Bowie.  
Veale.  
Ward.  
Watson.  
Weinert.

Absent.

Brachfield.  
Greer.  
Holsey.  
Paulus.  
Peeler.

Sturgeon.  
Terrell of McLennan  
Thomas.  
Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 200, A bill to be entitled "An Act creating an independent school district, to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for the creation of a board of trustees thereof, and authorize the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees powers and authority to issue bonds for the purpose of purchasing school sites and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and to further prescribe the duties and authorities of said board of trustees."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.  
Alexander.  
Bryan.  
Cofer.  
Harper.  
Hayter.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.  
Meachum.

Murray.  
Perkins.  
Real.  
Senter.  
Stokes.  
Terrell of Bowie.  
Veale.  
Ward.  
Watson.  
Weinert.

Absent.

Brachfield.  
Greer.  
Holsey.  
Paulus.  
Peeler.

Sturgeon.  
Terrell of McLennan.  
Thomas.  
Willacy.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.  
Alexander.  
Bryan.  
Cofer.  
Harper.  
Hayter.  
Holsey.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.

Meachum.  
Murray.  
Perkins.  
Real.  
Senter.  
Stokes.  
Terrell of Bowie.  
Veale.  
Ward.  
Watson.  
Weinert.

Absent.

Brachfield.  
Greer.  
Paulus.  
Peeler.

Sturgeon.  
Terrell of McLennan.  
Thomas.  
Willacy.

Absent—Excused.

Hume.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 49, A bill to be entitled "An Act to require common carriers engaged in moving commerce in the State of Texas to use locomotives which are equipped with ash pans that can be dumped or emptied and cleaned without the necessity of any employe going under such locomotive, and providing penalties for violations of the provisions of such act."

Senate bill No. 187, A bill to be entitled "An Act to ratify, approve and confirm a certain contract of lease between county of Galveston of the first part, Gulf, Colorado & Santa Fe Railway Company; Galveston, Houston & Henderson Railroad Company; Galveston, Harrisburg & San Antonio Railway Company of the second part, and Galveston-Houston Electric Railway Company of the third part, relating to the

causeway and a certain memoranda of agreement executed by Galveston county, Gulf, Colorado & Santa Fe Railway Company; Galveston, Houston & Henderson Railroad Company, and the Galveston, Harrisburg & San Antonio Railway Company, construing Articles 17 and 21 of said contract of lease, and to amend Section 8 of an act approved March 16, 1907, entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland, and the county to issue bonds for same on taxation; also establish three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure; to issue and sell bonds therefor under the regulation and authority of the Railroad Commission, and to lease and authorize corporations, and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court,' with an emergency clause."

House bill No. 349, A bill to be entitled "An Act to create the Martindale Independent School District, and declaring an emergency," with engrossed rider.

Senate bill No. 237, A bill to be entitled "An Act to amend Section 26 of Article 22 of Title 4 of the Revised Civil Statutes of Texas, and to change and prescribe the time for holding district court in the Twenty-sixth Judicial District of the State of Texas, and to define the jurisdiction thereof, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial Districts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the change made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Senate bill No. 192, A bill to be entitled "An Act to amend Section 1, Chapter 6 of the Special Laws enacted by the Thirtieth Legislature, entitled 'An Act incorporating the Baird Independent School District in Callahan county,

Texas, for free school purposes only; defining its boundaries, and providing for a board of trustees; divesting the city of Baird of the control of its public schools and title to school property and vesting the same in said Baird Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Baird Independent School District, and its board of trustees, and repealing all laws in conflict herewith," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### EXCUSED.

Senator Alexander here moved that Senators Sturgeon, Greer and Brachfield be excused for non-attendance for this afternoon on account of special committee work.

The motion prevailed.

#### JOINT SESSION.

Here the Chair announced that the hour for the Senate to repair to the Hall of the House of Representatives for the purpose of a joint session on account of the address of Dr. Eliot, had arrived, and the Senate accordingly repaired to that Hall.

#### IN JOINT SESSION.

At 4:40 o'clock p. m. the Honorable Senate of Texas was announced at the bar of the House, and accompanied by Sergeant-at-Arms Hornbuckle, Secretary Clyde D. Smith and Journal Clerk R. M. Gilmore, the Senators advanced into the Hall and occupied seats along the aisle already prepared for them.

Hon. A. B. Davidson, President of the Senate, was invited to a seat on the rostrum on the left of the Speaker.

The Secretary of the Senate was then directed by the President of the Senate to call the roll of the Senate, and the following Senators answered to their names:

Adams, Alexander, Brachfield, Bryan, Cofer, Greer, Harper, Hayter, Holsey, Hudspeth, Kellie, Masterson, Meachum, Murray, Paulus, Peeler, Perkins, Real, Senter, Stokes, Sturgeon, Terrell of Bowie, Terrell of McLennan, Veale, Ward, Watson, Weinert, Willacy.

Senators present, 29.

Necessary to quorum, 21.

The President of the Senate announced a quorum of the Senate present.

Speaker Kennedy then directed the Clerk to call the roll of the House, and the following members answered to their names:

Adams, Anderson, Aston, Baker of Hood, Baker of Panola, Ballengee, Barrett, Bartlett, Bell, Bierschwale, Bogard, Bostic, Boswell, Bowles, Bowman, Branch, Briscoe, Brookreson, Brookshire, Brown, Brownlee, Buchanan, Byrne, Cable, Canales, Cathey, Caves, Chaney, Cox, Craven, Crawford, Crisp, Crockett of Mitchell, Crockett of Washington, Cureton, Currey, Dalby, Davis, Dotson, Driggers, Elliott, Fant, Fitzhugh, Fuller, Gaines, Giesen, German, Gilmore, Goodman, Graham, Hamilton of Childress, Hamilton of McCulloch, Harman, Haxthausen, Highsmith, Hill, Horger, Jackson, Jenkins, Jennings, Johnson, Keeble, Lawson, Leach, Lee, Lively, Luce, Maddox, Marshall, Mason, Maxwell, McCallum, McDonald, McGown, McKinney, McLain, Meeks, Mobley, Moller, Morris, Munson, Nelson of Hopkins, Nelson of Kaufman, Nickels, O'Bryan, O'Bryant, Odom, Pearson, Perkins, Pharr, Pierce, Porter, Rabb, Ralston, Ray, Rayburn, Reedy, Reid, Ridgway, Roach, Robertson of Bell, Robertson of Travis, Schluter, Schofield, Self, Smith, Spradley, Stamps, Standifer, Stead, Stephenson, Stepter, Stratton, Strickland, Tarver, Terrell of Bexar, Terrell of Cherokee, Trenckmann, Turner, Turney, Vaughan, Von Rosenberg, Wahrmond, Walter, Werner, Westbrook, Wilson, Wortham.

Present, 129, including the Speaker in the chair.

Necessary to a quorum, 89.

Speaker Kennedy announced a quorum of the House present.

Accompanied by the joint committees of the House and Senate, Dr. Eliot and party advanced into the Hall and were conducted to the Speaker's stand, where they were invited to seats.

Governor Campbell and Chief Justice Brown of the Supreme Court were also invited to seats on the Speaker's stand.

Dr. Eliot, being introduced by Speaker Kennedy, then addressed the joint assemblage.

#### IN THE SENATE.

The Senate returned to its Chamber, Lieutenant Governor Davidson presiding.

#### SENATE BILL NO. 176—MADE SPECIAL ORDER.

On motion of Senator Perkins, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 176, by the following vote:

Yeas—22.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—1.

Holsey.

Absent.

Mayfield.  
Senter.

Thomas.  
Ward.

Absent—Excused.

Brachfield.  
Greer.

Hume.  
Sturgeon.

The Chair laid before the Senate, on second reading,

Senate bill No. 176, A bill to be entitled "An Act to fix and declare the right of contract in certain cases and to regulate the making of contracts between publishers of newspapers, periodicals and railroad, interurban and other transportation companies."

Senator Perkins moved that the bill be made a special order for next Monday morning at the conclusion of the morning call to follow the other special order for that hour.

The motion prevailed.

#### SENATE BILL NO. 201.

Senator Cofer moved that the pending order of business (Senate bill No. 156) be suspended, and the Senate take up, out of its order, Senate bill No. 201.

Here Senator Kellie moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—6.

Bryan.  
Holsey.  
Hudspeth.

Kellie.  
Terrell of McLennan.  
Watson.

## Nays—18.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.

## Absent.

Brachfield.	Senter.
Greer.	Sturgeon.
Paulus.	Thomas.

## Absent—Excused.

Hume.

## SENATE BILL NO. 201—MADE SPECIAL ORDER.

Action here recurred on Senator Cofer's motion to take up Senate bill No. 201.

Senator Holsey moved, as a substitute, that the pending order of business (Senate bill No. 156) be suspended, and the Senate take up, out of its order, Senate bill No. 123.

Senator Masterson here called up House bill No. 186, and the Chair stated that under the rules that the House bill would have precedence over the Senate bills.

The Chair, therefore, laid before the Senate, on second reading, House bill No. 186.

On motion of Senator Cofer, the pending order of business (House bill No. 186) was suspended, and the Senate took up, out of its order, Senate bill No. 201, by the following vote:

## Yeas—21.

Adams.	Meachum.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

## Nays—1.

Watson.

## Absent.

Brachfield.	Senter.
Greer.	Sturgeon.
Murray.	Terrell of McLennan.
Paulus.	Thomas.

## Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 201, A bill to be entitled "An Act to amend Articles 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952 and 2955 of Title 54 of the Revised Statutes of the State of Texas, 1895, relating to the house of correction and reformatory; providing for a change of its name; providing for its control, management, support, maintenance and regulation; providing who shall be or become inmates, paroled or released; providing that juveniles convicted in juvenile courts be sent there; providing means of entrance for all incorrigible boys; repealing all laws in conflict herewith, and declaring an emergency."

Senator Cofer moved that the bill be made a special order for tomorrow morning at conclusion of the morning call.

The motion prevailed.

## HOUSE BILL NO. 186.

The Chair then laid before the Senate, on second reading,

House bill No. 186, A bill to be entitled "An Act to amend the charter of the city of Galveston by adding thereto a new section to be numbered 69a, authorizing the issuance of bonds for grading, raising and filling to grade certain streets, sidewalks, alleys, lots and blocks in said city, and declaring an emergency."

The bill was read second time, and

Senator Masterson offered the following amendment, which was read and adopted:

Amend the bill by striking out the following words in Section 1: "With the right of the city to at any time select by lot and redeem with the sinking fund any of them," and insert in lieu thereof the following: "With the right of the city to redeem them or any of them at any time after twenty years from date."

Bill read second time, and passed to third reading.

On motion of Senator Masterson, the constitutional rule requiring bills to be read on three several days was suspended; and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Adams.	Bryan.
Alexander.	Harper.

Hayter.	Real.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Peeler.	Willacy.
Perkins.	

Absent.

Brachfield.	Senter.
Cofer.	Sturgeon.
Greer.	Thomas.
Paulus.	

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Brachfield.	Senter.
Cofer.	Sturgeon.
Greer.	Thomas.
Paulus.	

Absent—Excused.

Hume.

Senator Masterson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 123.

On motion of Senator Holsey, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 123, by the following vote:

Yeas—23.

Adams.	Hudspeth.
Alexander.	Kellie.
Bryan.	Masterson.
Harper.	Mayfield.
Hayter.	Meachum.
Holsey.	Murray.

Peeler.	Veale.
Perkins.	Ward.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	Willacy.
Terrell of McLennan.	

Absent.

Brachfield.	Senter.
Cofer.	Sturgeon.
Greer.	Thomas.
Paulus.	

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 123, A bill to be entitled "An Act to amend Chapter 147, page 313 of the General Laws of the Thirtieth Legislature, which act sought here to be amended was an act to create in the Department of Agriculture of Texas a Bureau of Cotton Statistics; prescribing the duties of the Commissioner of Agriculture, the county clerks, public ginnerers, and prescribing penalties for the violation of this act, and declaring an emergency."

The bill was read second time, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out Section 9 and changing Section 10 to read Section 9.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "act," line 15, page 3, of the printed bill, the following: "Such person shall be deemed guilty of a felony and."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, line 17, page 1, by inserting the word "his" after the word "which" and before the word "gin," in said line, and amend further on page 2 by adding after the word "law," in line 1 of said page 2, a comma instead of a period, and then add the following: "Provided, the affidavit herein provided for may be made before any duly qualified notary public in the county where the affiant resides, for which the affiant shall pay such notary public 25 cents, and when so made may be forwarded by mail to the county clerk as herein provided for, and shall be filed without further cost to the affiant."

Senator Weinert offered the following amendment:

Amend by striking out Section 8 of the bill.

Pending.

Senator Alexander moved the previous question on the amendment and the bill.

The motion was duly seconded, but was lost.

#### SIMPLE RESOLUTION.

By Senator Alexander:

Resolved, That the Chairman of the Finance Committee, the Senator from Wise, and the Senator from Collin be authorized to visit the State institutions at Denton and Terrell for the purpose of inspection, the expense to be paid out of the contingent expense fund of the Thirty-first Legislature.

The resolution was read and adopted.

#### SENATE BILL NO. 192—HOUSE AMENDMENTS CONCURRED IN.

Senator Bryan called up

Senate bill No. 192, A bill to be entitled "An Act to amend Section 1, Chapter 6, of the Special Laws enacted by the Thirtieth Legislature, entitled 'An Act incorporating the Baird Independent School District, in Callahan county, Texas, for free school purposes only, defining its boundaries and providing for a board of trustees; divesting the city of Baird of the control of its public schools and title to school property, and vesting the same in said Baird Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Baird Independent School District and its board of trustees, and repealing all laws in conflict herewith.'"

And moved that the Senate concur in the following House amendments:

Amend by striking out the word "Baylor" and inserting the word "Bayland" where it appears in the bill.

The motion to concur prevailed by the following vote:

Yeas—24.

Adams.	Hudspeth.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Sturgeon.

Terrell of Bowie.	Watson.
Veale.	Weinert.
Ward.	Willacy.

Absent.

Kellie.	Senter.
Paulus.	Terrell of McLennan.
Perkins.	Thomas.

Absent—Excused.

Hume.

Senator Bryan moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

#### BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

Senate bill No. 169, "An Act to name the several counties composing the Thirty-third and the Fifty-first Judicial Districts of the State of Texas, and to fix the time for holding the district courts therein and to repeal an act entitled 'An Act to name the several counties composing the Fifty-first Judicial District and to fix the time for holding the district courts herein, and to repeal all laws and parts of laws in conflict herewith,' Chapter 72, General Laws of the State of Texas, page 98, passed by the Twenty-eighth Legislature, and to repeal Section 2 of an act entitled 'An Act to amend an act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts of the State of Texas, and to fix the time for holding court therein,' as passed by the Twenty-seventh Legislature, Chapter 64, page 133, and to repeal all laws and parts of laws in conflict therewith, passed by the Twenty-ninth Legislature, Chapter 37, page 47, in so far as the latter conflicts with the provisions of this act relating to the organization of the Thirty-third Judicial District of the State of Texas."

#### ADJOURNMENT.

On motion of Senator Murray, the Senate, at 6:25 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

House bill No. 316, A bill to be entitled "An Act to restore civil jurisdiction of the county court of Henderson county, and to repeal so much as applies to Henderson county of the act approved February 25, 1881, entitled 'An Act to diminish the civil and criminal jurisdiction of the county court of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmit, La Salle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justices' courts of said counties to such change,' to provide for the transfer of certain causes now pending, to define the jurisdiction of said county court, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Paulus, Sturgeon, Hayter, Peeler, Willacy, Terrell of Bowie, Perkins, Masterson, Ward.

(Floor Report.)

Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 276, A bill to be entitled "An Act to amend Sections 1 and 2 of an act entitled 'An Act to reorganize the Forty-seventh Judicial District, and to create the Sixty-ninth Judicial District; to fix the time for holding the terms of the district court in said district, and to provide for the appointment of a district judge and district attorney in the said Sixty-ninth Judicial District, and declaring an emergency,'"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Masterson, Pau-

lus, Hayter, Perkins, Willacy, Sturgeon, Ward.

Committee Room,

Austin, Texas, February 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 265, A bill to be entitled "An Act to declare it unlawful for any person, or the lessee, agent, or manager of any corporation by letter, word, sign circular, or in any other manner to direct, or to suggest, under threat of dismissal or other punishment, how, when or where any employe shall cash, or receive money upon any check, voucher, or other evidence of debt issued by said person, lessee, agent, manager or superintendent of any corporation; providing for punishment therefor, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, February 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 240, A bill to be entitled "An Act defining what shall be a full crew on passenger trains run by railroad companies, or receivers of railroad companies, doing business in this State, what shall be a full crew on freight, gravel or construction trains run by such railroad companies or receivers, and what shall be a full crew on light engines run by such railroad companies or receivers; providing for certain cases to which the act shall not apply; rendering it unlawful for any such railroad company or receiver to run any train or light engine, subject to this act, without in each instance having a full crew required; imposing a penalty for each violation by any railroad company or receiver of any of the provisions of the act; prescribing the venue of suits to recover penalties for violations of this act and the officers by whom the suits shall be brought, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,  
Austin, Texas, February 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 267, A bill to be entitled "An Act to amend Article 3385, Title 69 of the Revised Statutes of the State of Texas of 1895, relating to local option, so as to exempt from the operation of the articles of said title wholesale druggists selling alcohol to retail or dispensing druggists, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HAYTER, Chairman.

Committee Room,  
Austin, Texas, February 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 250, A bill to be entitled "An Act to create a home for lepers and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HAYTER, Chairman.

(Floor Report.)

Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 273, A bill to be entitled "An Act creating an independent school district, for free school purposes only, in the county of Johnson, to be known as the Grandview Independent School District, and to have all the rights, powers and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Sturgeon, Weinert, Brachfield, Veale, Meachum.

Committee Room,  
Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 270, A bill to be entitled "An Act to provide for the teaching of agriculture, manual training and domestic science in the State normals at Huntsville, Denton and San Marcos."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

ALEXANDER, Chairman.

Committee Room,  
Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 259, A bill to be entitled "An Act to incorporate the Wichita Falls Independent School District; to authorize the election of trustees, the issuance of bonds, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

ALEXANDER, Chairman.

Committee Room,  
Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 263, A bill to be entitled "An Act creating an independent school district, for free school purposes only, in the county of Johnson, and to be known as the Burleson Independent School District, and to have all the rights, powers and duties of an independent school district for free school purposes only, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, with the following amendment:

Amend by adding Section 7, to read as follows:

"Sec. 7. All laws and parts of laws in conflict with this act are hereby repealed," and renumber Section 7 of the bill to read Section 8.

ALEXANDER, Chairman.

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Committee on Educational  
Affairs, to whom was referred

Senate bill No. 260, A bill to be entitled  
"An Act to amend Sections 2, 12, 13 and  
15 of an act creating the Lubbock Inde-  
pendent School District, and declaring  
an emergency,"

Have had the same under considera-  
tion, and I am instructed to report it  
back to the Senate with the recommen-  
dation that it do pass, and be not  
printed.

ALEXANDER, Chairman.

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Committee on Educational  
Affairs, to whom was referred

Senate bill No. 215, A bill to be entitled  
"An Act to amend Sections 19 and 24  
of an act passed by the Twenty-ninth  
Legislature, Chapter 47, General Laws,  
entitled 'An Act creating an independ-  
ent school district to be known as the  
Ballinger Independent School District,  
including within its limits the municip-  
al corporation of the town of Ballinger,  
and to provide for the creation of a  
board of trustees thereof, and authoriz-  
ing the board of trustees to levy, assess  
and collect special taxes, and conferring  
upon the board of trustees plenary pow-  
ers and authority to issue bonds for the  
purpose of purchasing school sites, and  
erecting, furnishing and equipping  
school buildings within the same, and  
to pay current expenses in the mainte-  
nance and support of said school, and  
further prescribing the duties and  
authorities of said board,' and declaring  
an emergency,"

Have had the same under considera-  
tion, and I am instructed to report it  
back to the Senate with the recommen-  
dation that it do pass, and be not  
printed.

ALEXANDER, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Committee on Educational  
Affairs, to whom was referred

Senate bill No. 225, A bill to be entitled

"An Act to establish a school of agri-  
culture for the instruction of white  
male children in the science of agri-  
culture and horticulture, and the nat-  
ural sciences connected therewith, and  
in civil engineering and other scientific  
and classical studies relating to practi-  
cal education in the pursuits of agri-  
culture and horticulture to be known as  
the North Texas Agricultural College;  
providing for appointment of a board  
of commissioners by the Governor, and  
defining their duties; providing for the  
appointment of a local board of direc-  
tors by and under the direction of the  
Board of Directors of the Agricultural  
and Mechanical College; providing that  
said North Texas Agricultural College  
shall be a branch of the Agricultural  
and Mechanical College; authorizing the  
acceptance by said board of directors  
in trust for said school any donations  
of money or lands for the benefit and  
use of said school, and defining the  
duties of said directors; making an ap-  
propriation for the purposes of this act;  
fixing the location of said college in  
the county of Collin, State of Texas,  
and declaring an emergency,"

Have had the same under considera-  
tion, and I am instructed to report it  
back to the Senate with the recommen-  
dation that it do pass.

ALEXANDER, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: We, a minority of your Com-  
mittee on Educational Affairs, to whom  
was referred

Senate bill No. 225, A bill to be entitled  
"An Act to establish a school of agri-  
culture for the instruction of white  
male children in the science of agri-  
culture and horticulture, and the nat-  
ural sciences connected therewith, and  
in civil engineering and other scientific  
and classical studies relating to practi-  
cal education in the pursuits of agri-  
culture and horticulture, to be known as  
the North Texas Agricultural College;  
providing for appointment of a board  
of commissioners by the Governor and  
defining their duties; providing for the  
appointment of a local board of direc-  
tors by and under the direction of the  
Board of Directors of the Agricultural  
and Mechanical College; providing that  
said North Texas Agricultural College  
shall be a branch of the Agricultural

and Mechanical College; authorizing the acceptance by said board of directors in trust for said school any donations of money or lands for the benefit and use of said school, and defining the duties of said directors; making an appropriation for the purposes of this act; fixing the location of said college in the county of Collin, State of Texas, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

BRACHFIELD,  
HARPER.

(Majority Report.)

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 199, A bill to be entitled "An Act to provide for the establishment and maintenance of a school of agriculture and mechanical arts, with a department of domestic science, in each of the respective congressional districts of this State, and to make an appropriation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

ALEXANDER Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 199, A bill to be entitled "An Act to provide for the establishment and maintenance of a school of agriculture and mechanical arts, with a department of domestic science, in each of the respective congressional districts of this State, and to make an appropriation, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do not pass.

BRACHFIELD,  
HARPER.

(Majority Report.)

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 73, A bill to be entitled "An Act to establish in the Fourth Congressional District of Texas the Grubbs' Self-Help and Industrial College, and to locate the same at the town of Campbell, Hunt county, Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

ALEXANDER, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 73, A bill to be entitled "An Act to establish in the Fourth Congressional District of Texas the Grubbs' Self-Help and Industrial College, and to locate the same at the town of Campbell, Hunt county, Texas,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

BRACHFIELD,  
HARPER.

(Majority Report.)

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 19, A bill to be entitled "An Act to provide for the establishment and maintenance of a school of agriculture and mechanical arts, with a department of domestic science, in each of the respective congressional districts of this State, and to make an appropriation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

ALEXANDER, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

House bill No. 19, A bill to be entitled "An Act to provide for the establishment and maintenance of a school of agriculture and mechanical arts, with a department of domestic science, in each of the respective congressional districts of this State, and to make an appropriation, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

BRACHFIELD,  
HARPER.

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 230, A bill to be entitled "An Act to add to the Agricultural and Mechanical College of Texas a department of instruction in the theory and practical art of grading, classing, stapling and spinnable value of cotton and kindred branches of the cotton industry, and to make an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

ALEXANDER, Chairman.

Committee Room,  
Austin, Texas, February 25, 1909..  
Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 237, A bill to be entitled "An Act to amend Section 26 of Article 22 of Title 4 of the Revised Civil Statutes of Texas, and to change and prescribe the time for holding district court in the Twenty-sixth Judicial District of the State of Texas, and to define the jurisdiction thereof, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and

Fifty-third Judicial Districts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the change made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
WARD, Chairman.

Committee Room,  
Austin, Texas, February 25, 1909.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 238, A bill to be entitled "An Act to authorize the commissioners court of the several counties in Texas to create and establish improvement districts to prevent overflows, and to construct and maintain levees and other improvements on rivers, creeks and streams, and to prevent overflows, to order and hold elections for the purpose of voting on the establishment of district and authorizing the issuance of bonds to pay for such improvements and the maintenance thereof, and the levying and collection of taxes to pay for such bonds and interests thereon, to appoint commissioners and all other necessary officers of such improvement districts for the purpose of carrying into effect the provisions of this act; defining their powers and duties; granting the right of eminent domain to such improvement districts and authorizing the improvement commissioners to acquire by purchase, gift or grant for such districts title to any right of way and other property, and such levees or other improvements as may have been therein previously constructed or made in such districts and authorizing such commissioners to sell any property acquired by said district under the provisions of this act or otherwise, and generally authorizing the commissioners court and improvement commissioners to do all things necessary for the establishment and maintenance of such districts and the construction and maintenance of said levees and other improvements, according to the provisions of this act, and making it a penal offense for any person to wilfully prevent the improvement district officers from entering upon such person's land for the purpose of carrying out the provisions of this act, and providing a penalty therefor, and cre-

ating other offenses and providing penalties therefor under this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
WARD, Chairman.

Committee Room,

Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 115, A bill to be entitled "An Act to provide additional compensation to all judges and district attorneys in the district courts of this State by allowing compensation for actual necessary traveling expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency,"

And find the same correctly engrossed.  
WARD, Chairman.

Committee Room,

Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 154, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 43 of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcoholic or naphtha motor railways, and declaring an emergency,"

And find the same correctly engrossed.  
WARD, Chairman.

Committee Room,

Austin, Texas, February 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 18, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act declaring void the sale or transfer of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's or transferrer's business, and sales or transfers of entire stocks of merchandise in bulk, unless made in compliance with certain named conditions and regulations, and prescribing such conditions and regulations according to which such sales may be made valid, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any sale or transfer of any portion of a stock of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's or transferrer's business; or a sale or transfer of an entire stock of merchandise in bulk, shall be void as against creditors of the seller or transferrer unless the purchaser or transferee shall at least ten days before the sale or transfer in good faith make full and explicit inquiry of the seller or transferrer as to the name and place of residence or place of business of each and all creditors of the seller or transferrer, and obtain from the seller or transferrer a written answer to such inquiries, which answer shall be sworn to by the seller or transferrer; and unless the purchaser or transferee, at least ten days before the sale or transfer, in good faith, notify or cause to be notified, personally or by registered mail, each of the seller's or transferrer's creditors of whom the purchaser or transferee has knowledge of said proposed sale or transfer.

Sec. 2. Any purchaser or transferee who shall conform to the provisions of this act shall not in any way be held accountable to any creditor of the seller or transferrer for any of the goods, wares or merchandise that have come into the possession of said purchaser or transferee by virtue of such sale or transfer.

Sec. 3. Nothing in this act shall apply to sales by executors, administrators, receivers or any public officer conducting a sale in his official capacity, nor to a sale or transfer of stocks of merchandise for the payment of bona fide debts where all creditors share equally and without preference in the sale or transfer or the proceeds thereof.

Sec. 4. The fact that there is no adequate law in this State regulating

the sales of stocks of merchandise in bulk and preventing fraudulent sales of such stocks creates an emergency requiring that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

#### PETITIONS AND MEMORIALS.

By Senator Adams:

To Hon. W. N. Adams, State Senator, Austin, Texas:

We, the undersigned citizens of Coleman county, Texas, respectfully solicit your support for the pending legislation commonly known as the "bank guarantee bill," believing that some just and equitable law along that line will redound to the best interests of the entire citizenship of the great State of Texas; and believing further that your support of said legislation will carry out the wishes of a large majority of the voters of this section of the State.

Numerously signed.

By Senator Terrell of McLennan:

Petition of eighty-two citizens of Yorktown, favoring a law allowing garnishment of wages for debt under certain conditions.

By Senator Thomas:

To State Senator and Members of the Lower House of the Thirty-first Legislature:

We, the undersigned citizens and cotton growers of Hopkins county, Texas, respectfully ask you to support the differential bill now pending, to abolish the Houston-Galveston differential.

1. Because Galveston is a port at the cost of over ten millions of dollars. We, the producers, protest against the tax of one million dollars per annum for the privilege of going to port with our products.

2. The differential is a specific tax levied upon the producer as against one point in favor of another, while the doctrine of the fathers is for equal rights to all and special privileges to none. Therefore, the differential is undemocratic, unjust and fastens a burden upon the producer against which we enter our most solemn protest.

3. Because cotton is bought and sold for delivery at seaboard and practically over 85 per cent of our cotton of Texas moves through Galveston; therefore, we

protest against an extra special higher rate being added because our cotton is going to deep water.

The differential is an arbitrary tax levied upon the producer without his request or consent; therefore, is undemocratic, unjust and unequitable; therefore, we appeal to the Legislature to promptly relieve and abolish said differential and make the rate of 49 cents to Galveston the same rate as to Houston.

#### THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,

Friday, February 26, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Hayter.	Willacy.
Perkins.	

Absent—Excused.

Hume.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

#### BILLS AND RESOLUTIONS.

By Senator Kellie (by request):

Senate bill No. 279, A bill to be entitled "An Act to encourage and foster the work of our State school of correspondence, known and designated as 'Cosmopolitical Correspondent College, 2806 North Gradalupe Street, Austin, Texas.'"

Read first time, and referred to Committee on Educational Affairs.